



STATE BOARD OF ELECTIONS

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TO: Interested parties
FROM: Kim Westbrook Strach, Executive Director
RE: Multipartisan Assistance Teams: Temporary Rules
DATE: August 9, 2013

House Bill 589, which was recently ratified by the North Carolina General Assembly, places a temporary rulemaking requirement upon the State Board of Elections:

SECTION 4.6.(b) The State Board of Elections shall adopt rules prior to October 1, 2013, concerning the multipartisan teams authorized by G.S. 163-226.3(a)(4), as amended by subsection (a) of this section, to ensure that each county has, no later than the day absentee voting begins for each primary and election, trained teams to promptly assist patients and residents of any hospital, clinic, nursing home, or rest home in that county in casting absentee ballots as provided by law. Such rules shall be initially established as temporary rules in accordance with Chapter 150B of the General Statutes.

Attached is an initial version of temporary rules that was approved by the State Board of Elections. The State Board of Elections invites interested parties to review and comment upon the proposed rules.

- Written comments may be submitted between Friday, August 23 and Monday, September 16. Comments can be either e-mailed to George McCue at george.mccue@ncsbe.gov, or mailed to P.O. Box 27255, Raleigh, NC 27611-7255, to the attention of George McCue.
- A public hearing will be held on Wednesday, September 18 at 10:00 a.m. in the Boardroom of the State Board of Elections at 441 North Harrington Street, Raleigh, NC.

This notice will also be posted on the North Carolina State Board of Elections website,
www.ncsbe.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Strach". The signature is fluid and cursive, with the first name "Kim" and last name "Strach" clearly distinguishable.

Kim Westbrook Strach
Executive Director

1 **INTRODUCTORY STATEMENT AS REQUIRED BY 26 NCAC 02C .0404(a) and (e):**

2 The North Carolina State Board of Elections proposes the following temporary rules pursuant to House Bill 589,
3 Section 4.6(b).

4
5 **CHAPTER 13 – INTERIM RULES**

6
7 **08 NCAC 13 .0201 MULTIPARTISAN ASSISTANCE TEAMS**

8 In every election, Multipartisan Assistance Teams shall be made available in each county to provide
9 absentee ballot assistance to any registered voter who is a patient in any hospital, clinic, nursing home or rest home.
10 for assistance. The Team may assist voters in requesting mail-in absentee ballots, serve as witnesses to mail-in
11 absentee voting, and otherwise assist in marking and completing mail-in absentee ballots for voters living in
12 facilities. The Team's purpose is to assist qualified registered voters who have an activity-limiting disability and
13 who do not have a near relative or legal guardian available. The Team may not take completed executed absentee
14 ballot applications/container-return envelopes from the voter for delivery to the County Board of Elections, but may
15 assist the voter by mailing the ballot for the voter, at the voter's expense and with the voter's consent.

16 The Team shall be authorized, assembled, and trained by the County Board of Elections to respond to a
17 need for such voter assistance for any election (including primaries or runoff elections).

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19 *History Note: Authority H.B. 589, Sec. 4.6(b).*
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21 **08 NCAC 13 .0202 MULTIPARTISAN ASSISTANCE TEAM MEMBERS**

22 (a) Appointment. Team members shall be appointed for the same two-year term as specified for precinct
23 judges in NCGS 163-41(a), and shall be appointed by the County Board of Elections. If appointments are
24 necessary at a time other than the Tuesday after the third Monday in August, appointments can be made in order
25 for vacancies to be filled by the time absentee ballots are due to be made available for the next election
26 scheduled in the county (including primaries and runoffs).

27 (b) Composition of Multipartisan Assistance Team

28 (1) Each Team Member must be a registered voter in the county served by the Team. Preference
29 shall be given to experienced precinct officials or County Board of Elections employees. County Board of
30 Elections Board Members shall not serve as Team Members.

31 (2) The Team must be comprised of at least two Team Members, and the Team Members shall
32 consist of registered voters of the county who are affiliated with at least two different political parties.

33 (3) Team Members may be volunteers or paid by the County Board of Elections. Team Members
34 may be reimbursed for actual travel expenses by the County Board of Elections. Team Members may not
35 be paid by any political party or candidate for work as Team Members.

36 (4) A Team Member cannot be a registered sex offender of North Carolina or any other state.

37 (c) Before offering any voter assistance as set out in these rules, every Team Member must sign a
38 declaration provided by the County Board of Elections that requires the following:

39 (1) A statement that the Team Member will carry out the duties of the Multipartisan Assistance
40 Team objectively and will not attempt to influence any decision of a voter being provided any type of
41 assistance;

42 (2) A statement that the Team Member is familiar with election laws and will act lawfully, and
43 the Team Member will seek the advice of the County Board of Elections staff in the event the Team
44 Member is unable to answer any question posed by a person at a facility where the Team is visiting;

45 (3) A statement that the Team Member will not use, reproduce, or communicate to unauthorized
46 persons any confidential information or document handled by the Team Member, including the voting
47 choices of a voter and confidential voter registration information;

48 (4) A statement that the Team Member understands that submitting fraudulently or falsely
49 completed declarations and documents associated with absentee voting is a Class I felony under Chapter
50 163 of the General Statutes, and that submitting or assisting in preparing a fraudulently or falsely
51 completed document associated with mail-in absentee voting may constitute other criminal violations.

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53 *History Note: Authority H.B. 589, Sec. 4.6(b).*
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55 **08 NCAC 13 .0203 TRAINING OF MULTIPARTISAN ASSISTANCE TEAM MEMBERS**

56 (a) The County Board of Elections shall administer training to a Team Member before the Team Member
57 provides any assistance to voters as set out these rules. The training shall cover the procedures for providing
58 voter assistance as set out these rules, and how to respectfully interact with persons with disabilities, including
59 concepts such as cultural competency and the legal requirements of providing accommodations to persons with
60 disabilities. The State Board of Elections shall provide uniform training materials for the administration of
61 training by County Boards of Elections. The training shall be open to the public.

62 (b) Certification. Upon a satisfactory completion of the training, the County Board of Elections shall issue a
63 training certification to the Team Member. The Team Member must carry his or her certification document at
64 all times while conducting Team activity. The County Board of Elections shall maintain a current list of
65 certified Team Members.

66 (c) Upon a statutory or policy change in absentee voting procedures, all current Team Members must be
67 trained in those new changes, and a new certification shall be issued upon that training. The State Board of
68 Elections shall notify the County Boards of Elections when additional training is required. Failure to attend
69 additional training by a currently certified Team Member shall cause his or her certification to be suspended. A
70 Team Member with suspended certification cannot perform Team functions until the certification is made active
71 again, upon completion of the additional training.

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73 *History Note: Authority H.B. 589, Sec. 4.6(b).*

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75 **08 NCAC 13 .0203 COMMUNICATION WITH FACILITIES**

76 (a) Before the date absentee ballots are available for the general election in each even-numbered year, the
77 County Board of Elections shall make written contact with every nursing home, hospital, clinic, or rest home in
78 the county.

79 (b) The written communication shall provide information regarding the county's Multipartisan Assistance
80 Team, and include contact information so the facility's activity coordinator may reach the County Board of
81 Elections to request a visit by the Team.

82 (c) If a facility requests a visit by the Multipartisan Assistance Team, the County Board of Elections shall
83 prepare the Team as set out in these rules, and schedule at least one visit.

84 (d) The County Board of Elections may contact other facilities in the county where voters are located who
85 would likely require assistance in mail-in absentee voting, or may send out communication prior to other
86 primaries or elections in addition to the general election in each even-numbered year.

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88 *History Note: Authority H.B. 589, Sec. 4.6(b).*
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90 **08 NCAC 13 .0204 FACILITY VISITS BY MULTIPARTISAN ASSISTANCE TEAMS**

91 At a facility visit scheduled by the County Board of Elections, the Multipartisan Assistance Team shall provide
92 the following assistance to residents:

93 (a) Answer any questions residents have relating to voting and elections.

94 (i) If none of the Team Members can answer a question posed to a Team Member, the Team
95 Member will refer the person to the County Board of Elections or contact the County Board of Elections
96 while at the facility to relay an answer at that time.

97 (ii) Under no circumstances will Team Members provide information or advice pertaining to the
98 voter's choice on a ballot item or any other partisan matter. Any violation of this rule, or electioneering
99 occurring by Team Members during a visit, shall be immediately reported to the County Board of Elections
100 by the other Team Member(s).

101 (b) Voter registration assistance.

102 (i) The Team shall provide voter registration forms and collect completed voter registration
103 forms.

104 (ii) The Team shall personally deliver completed voter registration forms to the County Board of
105 Elections office by the end of the business day following the visit. Before leaving the facility, the
106 completed voter registration forms shall be placed into an envelope and the envelope shall be sealed. Upon
107 delivery of the sealed envelope to the County Board of Elections office, all Team Members present for the
108 visit shall sign a chain-of-custody form asserting that all registration forms received were placed into the
109 sealed envelope.

110 (iii) The Team shall have available an electronic device that can perform on-site voter look-ups
111 from the State Board of Elections website, in order to check and confirm correct voter registration
112 information.

113 (c) Assistance in requesting a mail-in absentee ballot.

114 (i) Before providing such assistance, the following conditions must be met:

115 (a) The voter to receive assistance must have demonstrated, either verbally or
116 nonverbally, that he or she requests assistance by the Team. This can be an affirmative response
117 made to either a specific Team Member or the Team as a whole.

118 (b) The Team must confirm the voter registration status of the voter.

119 (c) The Team must verify the voter's residence.

120 (ii) The Team shall have mail-in absentee ballot request forms available and shall provide those
121 forms to any voter requesting a form. The Team shall ensure that all absentee ballot request forms provided
122 to voters wishing to request an absentee ballot are collected before the Team concludes its visit.

123 (iii) The Team shall collect any completed request forms and personally deliver those request
124 forms to the County Board of Elections office by the end of the business day following the visit. Before
125 leaving the facility, the completed request forms shall be placed in an envelope and the envelope shall be
126 sealed and initialed by present Team Members. Any out-of-county mail-in absentee ballot request form(s)
127 shall also be placed into the envelope, but shall be flagged and not attached to the in-county mail-in
128 absentee ballot request forms. Upon delivery of the sealed envelope to the County Board of Elections
129 office, all Team Members present for the visit shall sign a chain-of-custody form asserting that all request
130 forms received were placed into the sealed envelope. Out-of-county mail-in absentee ballot request forms
131 shall be promptly sent to the appropriate County Board of Elections by the County Board of Elections that
132 receives those forms from the Team.

133 (d) Assistance in voting by mail-in absentee ballot.

134 (i) Before providing such assistance, the voter to receive assistance must have demonstrated,
135 either verbally or nonverbally, that he or she requests assistance by the Team Member.

136 (ii) Before providing assistance in voting by mail-in absentee ballot, a Team Member must be in
137 the immediate presence of another Team Member whose registration is affiliated with a different political
138 party. If the Team Members provide assistance in marking the mail-in absentee ballot, both Team
139 Members shall sign the voter's container-return envelope to indicate that they provided assistance as
140 allowed by law. One or both Team Members may also sign the container-return envelope as a witness to
141 the marking of the mail-in absentee ballot.

142 (iii) Even if a Team Member or Members do not provide assistance, they may serve as witnesses
143 to absentee voting.

144 (iv) Team Members may not personally deliver mail-in absentee ballots or container-return
145 envelopes directly to voters. Team Members may not personally deliver completed mail-in absentee ballots
146 in container-return envelopes back to the County Board of Elections.

(v) Team Members should communicate the lawful ways completed mail-in absentee ballots in container-return envelopes may be delivered to the County Board of Elections, as set out in NCGS § 163-231(b).

(vi) A Team Member may carry a container-return envelope containing a completed absentee ballot to a depository of the U.S. mail, but only in the immediate presence of at least one other Team Member whose registration is affiliated with a different political party.

History Note: Authority H.B. 589, Sec. 4.6(b).

08 NCAC 13 .0205 REMOVAL OF MULTIPARTISAN ASSISTANCE TEAM MEMBERS

The County Board of Elections may revoke a Team Member's certification, which will prohibit that person's participation as a Team member, until such time the person is certified again or has the revocation of certification removed. The revocation must be based upon a violation of election statutes or administrative rules, political partisan activity in performing Team duties, failure to maintain required training as determined by the County Board of Elections, or failure to respond to requests and guidance from the County Board of Elections.

History Note: Authority H.B. 589, Sec. 4.6(b).